

⇒ Paul Silas Peterson

The Russian War of Aggression against Ukraine: An Analysis of the Dilemmas from an Ethical Perspective

⇒ Introduction

Since the Russian soldiers marched into Ukraine, and now following the revelations of the war crimes in Bucha, the ethical question about the right response to this war remains a matter of heated moral debate. Many have and continue to argue for essentially non-intervention (Afinogenov 2022), others are calling for the establishment of a no-fly-zone (in the west of Ukraine, or over the entire country, Hooker 2022). The no-fly-zone was a major flashpoint of debate at the outset of the war (Hugendick 2022), along with the European dependence on Russian oil and gas. Most everyone agrees that we must seek peace whenever it is possible, which is an easy claim to affirm. Yet many Ukrainians are not willing to accept peace at all costs, and believe that surrender to the Russian forces for the sake of peace would bring more harm. Like all complex ethical problems, the war must be seen in all the dimensions unfolding before us. In terms of the indisputable evidence, we have and continue to witness a brutal act of injustice, an attempt to destroy a democracy in the European neighborhood. The war of propaganda is central to this, for in those places in Ukraine controlled by Russia, »the Russians want to control Ukrainian brains like they do in Russia.« (Grynszpan 2022)

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Is the current response of the Western powers in delivering weapons responsible and ethically defensible? Are we unleashing a new spiral of violence by doing this? Or, on the other hand, should we be doing even more, instituting a no-fly-zone, and risking a potential escalation, one that could get out of control, and take on a life of its own? The Western powers are already sup-

porting Ukraine's right to self-defense and seeking to give Ukrainian democracy a fighting chance by delivering weapons. As everyone reading the news can see, Russia's aggression and especially the clear targeting of the civilian population is shocking the world to the core. The attacks on Mariupol and Bucha are being denounced as war crimes (and the evidence seems to confirm this), not to mention the 100 medical facilities that have been attacked, and countless residential buildings. The war is an attempt to humiliate the Ukrainians and take their land, to strip them of their right to self-determination, to punish them for rejecting the Russian demands, destroy their democracy and turn back their freely chosen movement towards more autonomy, democracy and a more Western form of government and society. As we can already see, the history of war is repeating itself again, for women and girls are now increasingly vulnerable to sexual violence, and an entire generation of Ukrainian people is already traumatized. The brutality is horrific, as Ukraine's ombudsman for human rights, Lyudmyla Denisova, reports on one case: »About 25 girls and women aged 14 to 24 were systematically raped during the occupation in the basement of one house in Bucha.« (Limaye 2022) According to a psychologist (Spartak Subbota) working with the rape victims, the Russian soldiers are raping Ukrainian women in groups: »The effect of the crowd, plus the fact that many attackers had their faces covered, created an aura of anonymity, removing any sense of fear or norms, and pushing each person toward maximum barbarity.« (Yaffa 2022)

It may seem unnecessary, or worse, even unworthy to entertain the question as to whether this is in fact a »just war«. Yet a critical analysis of the arguments provided at the outset of the war is important for an ethical analysis of the war as a whole. These arguments are the basic rationale provided by the leadership of the Russian government, and they are critical for any ethical analysis of the response to the war.

⇒ 1 Is this a »just war«?

At least since the 1970s, and in the shadow of the peace movement (Cooper 1997; Becker-Schaum 2012), the concept of »just war« has been in a process of revision in ethics. It was revised and reestablished in terms of human rights by an opponent of the Vietnam War. (Walzer 1977) The second Iraq War and the ensuing debates about »preemptive« war, led to further conceptual and revisionary work on

the concept of just war theory, but also played into new promotions of various forms of pacifism (Fiala, 2018) or »contingent pacifism«. (May 2015) Before this, as well, other major historical events of contemporary history shifted the discussions, such as the failure to stop the 1995 Srebrenica massacre. Yet generational transitions and other more ethereal philosophical trends related to the history of moral philosophy in the 20th century (including the critical patterns of thought in postmodernism) were also influential in the shift to revisionist thinking on the question of pacifism and just war. Today, defenses of just war theory have become more sensitive to the ethical quagmires, resulting in new revisionist accounts and distinctions, and extensive new ethical arguments regarding the moral status of combatants. Many of the older distinctions and historical paradigms have been drawn into a critical light, such as the distinction between just cause and just execution, or regarding the historical emergence of the concept of »just war«. (Lazar and Frowe 2018)

For many ethicists today, on both sides of the Atlantic, and internationally, there is truly no such thing as a »just war«, for war can never be just in the fullest sense of the term: in every war, innocent people are killed. The phrase »just war« is often viewed as a contradiction of terms. While this is a respectable ethical position, just war theory is nevertheless important because *it helps us to ask specific question when thinking about war*. In this sense, even if there cannot be a truly »just war« in the fullest sense of justice, the intellectual framework of just war theory remains an important tool for analyzing and evaluating military conflict.

In terms of just war theory from Cicero to the modern period, the rationale for war must be established on the basis of just cause (*jus ad bellum*). Furthermore, wars must be waged rightly and proportionately (*jus in bello*), and only if they are feasible. A just war must, beyond this, not only be initiated on the right grounds, and carried out in the right way, it must also seek to establish a right ordering of things in the situation after the war (*jus post bellum*) (Brunstetter et al. 2018). Later with Augustine, in the Middle Ages and in the early modern period, additional specifications were added to the reflection, such as »proportionality« (*debitus modus*), »right intension« (*recte intentio*), meaning the motivation leading to war must be upright, for example, having peace as its ultimate aim, and »legitimate authority« (*legitima auctoritas*), limiting the right to war to only those figures who are legally authorized to wage it in the first place. In the Middle Ages, the legitimate authority rested with the princes or kings; according to the Char-

ter of the United Nations from 1945, only the Security Council of the United Nations has the right to take »measures necessary to maintain international peace and security«, unless member states are acting on self-defense, which they are called to report to the Council (Art. 51).

The reasons and grievances given for the war in President Putin's declaration of war (Putin 2022), in which he presents Russia as a victim essentially being forced into war, are the following:

- As a response to »expansion of the NATO bloc to the east, bringing its military infrastructure closer to Russian borders«; which he compares to Nazi Germany's attack on Russia in World War Two;
- fear of Western values that would »corrode us, our people from the inside«;
- the failure of NATO to accept Russia's eight-point draft treaty issued in December of 2021 (Roth 2021), which called for Ukraine to be excluded from future entry into NATO, and for a limitation of the deployment of NATO forces in eastern Europe, keeping them at the older positions of 1997.
- in reference to the Western powers, NATO and the United States, he holds that they have »claimed world domination« and declared Russia »their enemy«;
- he states: »in the territories adjacent to us, I will note, *in our own historical territories*, an anti-Russia' hostile to us is being created, which has been placed under complete external control«, and militarized with NATO (emphasis added). Here he explicitly claims that Ukraine is Russian territory historically, and thus, by implication, is not a sovereign nation to determine its own alliances. This is all viewed as a threat to the »existence of our state« and »its sovereignty«. In this context, he refers to the »coup d'etat in Ukraine in 2014«.
- »the genocide against the millions of people« in Donbas (eastern Ukraine), which he claims led to the recognition of the republics of Donbass.
- »The leading NATO countries, in order to achieve their own goals, support extreme nationalists and neo-Nazis in Ukraine«.
- he claims that these »neo-Nazis« will instigate a war in Crimea;
- he holds the Ukrainians »claim to possess nuclear weapons«

– »Russia cannot feel safe, develop, exist with a constant threat emanating from the territory of modern Ukraine«

– he calls upon Article 51 of Chapter 7 of the UN Charter, which declares a »right of self-defence« (although he fails to mention that this only applies »if an armed attack occurs«, Art. 51). He holds that the »special military operation« has the goal »to protect people who have been subjected to bullying and genocide by the Kiev regime for eight years. And for this we will strive for the demilitarisation and denazification of Ukraine, as well as bringing to justice those who committed numerous, bloody crimes against civilians, including citizens of the Russian Federation.«

– he claims that this is about »the protection of Russia itself from those who took Ukraine hostage and are trying to use it against our country and its people«; in this, he totally disregards the democratic process leading to the current government in Ukraine. The democratically elected government is presented as hostage-takers of the Ukrainian people. He also calls them a »junta that plunders Ukraine«.

There are many arguments put forward here, but the central reasons for the war can be summarized in the following two points: 1. the expansion of NATO (leading to a threat to Russia's existence), and 2. the »bullying and genocide« of people in Donbas, thus the need for »demilitarisation and denazification«. Many resentments are also in play, such as the resentment of Western values, the rejection of the democratic process in Ukraine and the loss of Russia's influence over its »own historical territories«. I will address the first point regarding the eastern expansion of NATO in the section below. On the second point, it must be concluded that there has been no genocide of the people in Donbas. (Hinton 2022) Furthermore, the claim that Ukraine needs to be de-nazified is clearly wrong, for while there is a problem with neo-nazis and far-right groups (including the Azov Battalion) the government and civil society of Ukraine are not controlled by them.

The claim that Ukraine needs to be demilitarized would suggest that sovereign nations have no right to self-defense, which contradicts international law, and the right to self-defense enshrined in Art. 51 of the Charter cited above. Furthermore, Ukraine is now in a process of militarization because of the invasion. None of these claims constitute a *causa justa* (just cause). Indeed, they are examples of an attempt to justify the war because there is no plausible justification for it in terms of international law or common sense. Of course, it cannot be plausibly asserted that this is a war of retribution (and President Putin is not

suggesting it is), for the Ukrainians have not attacked the Russians. The decision leading to the war was also clearly not made as a »last resort« (*ultima ratio*) on the part of the Russians. On multiple occasions, the Ukrainians offered the Russians opportunities for dialog and further transparency. These offers were rejected. It cannot be claimed that it is a war of defense, for the Ukrainians have not threatened the Russians, nor were they in a position to attack them before the invasion.

The way this war is being executed is unjust. There is clear evidence of the systematic targeting of civilians, such as the bombing of the Kramatorsk train station or the bombing of residential buildings or houses of worship. The siege, starvation and destruction of Mariupol, and other cities, as well as the massacre in Bucha indicate that war crimes have been committed. On all these accounts, this war was waged and is being waged unjustly. There were no legal grounds for it in the first place, no reasonable arguments, and it was based on lies (about the need for de-Nazification or genocide), deception (regarding the military build-up on the border before the war, and feigned peace talks) and national arrogance (claims of Russian supremacy over the Ukrainians). The assertion that this war is about »demilitarization« is also entirely unconvincing. Indeed, Ukraine already gave up its nuclear weapons (Budapest Memorandum, 1994). The country has been begging the Western world for help with its self-defense for years.

Even if Russia were to draw upon the right of prevention (*jus praeventionis*) in the justification of the war, it would not be a convincing argument. Following Grotius, Kant saw this argument at use in the state of nature, as a response to a menacing power's threat. Yet Ukraine was certainly not a menacing force towards Russia before this war. Furthermore, all logic contradicts the idea that Ukraine would wage an aggressive assault on Russia. Even if the many claims of President Putin were true, the war is being executed in an entirely disproportionate manner. Moreover, this war is ultimately unprovoked. Michael Walzer has summed it up correctly: »Russia's invasion of Ukraine is illegal under international law, and it is unjust according to every version of just war theory.« (Walzer 2022)

⇒ 2 Great powers, realms of influence and international law

Today there is an intense and ongoing debate about the cause of this war in connection with the expansion of NATO. It has been well known for a long time among representatives in NATO, as Karl-Heinz

Kamp (former Director of the Research Division, NATO Defense College, Rome) wrote in 2007, that »[m]any in Moscow regard Kiev not only as the historical foundation of Russia but see a close relationship to Ukraine as a precondition for Russia's claim to be a superpower.« (Kamp 2007, 4.) In light of this, the Bucharest Summit Declaration of NATO, which addressed, among other things, the potential entry of Ukraine and Georgia into NATO, ultimately articulated a compromise between the pro-inclusion proposal (advanced by the United States) and the exclusion or delay proposal (advanced by Germany and France). Issued by NATO on April 3rd, 2008, the Declaration stated clearly that »NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. We agreed today that these countries will become members of NATO. Both nations have made valuable contributions to Alliance operations. We welcome the democratic reforms in Ukraine and Georgia and look forward to free and fair parliamentary elections in Georgia in May.« (NATO 2008) Yet the leaders of NATO did not offer Ukraine a clear path for entry, and essentially postponed the discussion. The same Declaration simply states: »we will now begin a period of intensive engagement with both [Ukraine and Georgia] at a high political level to address the questions still outstanding pertaining to their MAP [Membership Application Plan] applications«, while also referring to the next meeting in December.

Later that year (in December) in Brussels, the leaders of NATO met again and reviewed this question. Here again the Americans and the British advanced a pro-inclusion agenda, but this was rejected by the Germans and other Europeans in NATO. According to the reporter Ian Traynor, who was in Brussels at the time, »[o]n balance they view Georgia as the bigger villain in the August war with Russia, regard Georgia's president Mikheil Saakashvili as untrustworthy, believe that political instability in Ukraine makes it unsuitable for NATO, and are anxious to avoid further confrontation with Moscow.« (Traynor 2008). The same peaceful approach towards Russia was also confirmed in the Bucharest Summit Declaration in April of 2008. It also made clear to Russia that it sought to work with the Russians, not against them, and that the »Open Door policy and current, as well as any future, NATO Missile Defence efforts are intended to better address the security challenges we all face, and reiterate that, far from posing a threat to our relationship, they offer opportunities to deepen levels of cooperation and stability.« (NATO 2008) Over the years, NATO has often emphasized that missile defense is precisely that, *defensive*. Furthermore, the »Open Door policy« presumes that the member

states choose freely to fulfil the necessary requirements to become members. Ukraine was never forced into this movement toward association with NATO nor was it ever forced into an alliance. It has acted on its own in this process of democratization and political liberalization.

This inner-NATO debate from the spring and winter of 2008 has today become an issue of painful interpretive disagreement. Former NATO General Secretary Anders Fogh Rasmussen has recently claimed that NATO erred in 2008 by failing to offer the Ukrainians a Membership Application Plan (Pribyl 2022). He claims that this sent President Putin the wrong signal. As he argues, after this, Russia attacked Georgia. Rasmussen holds that this was President Putin's way of telling NATO that they should not get involved in his neighborhood. Yet what would have happened if NATO did offer the Ukrainians a path to membership in 2008? Those who are today defending the past decisions to exclude the Ukrainians often claim that President Putin may have responded with war if they followed the American pro-inclusion proposal. This is a debate of geopolitical strategy, and both claims are in the realm of conjecture. In both cases, however, it is not the fault of NATO that Russia is attacking Ukraine, but the fault of, above all, President Putin.

The claim that the war must be understood in a larger narrative about the expansion of liberal democracy, or the eastward expansion of NATO is not an argument of justification for the war *per se*, suggesting that it is, in and of itself, »right« in light of this historical development. On this matter, it seems that much of the debate today across the Western world about John Mearsheimer's views are mixing apples and oranges. Mearsheimer and other great-power political theorists see this conflict in terms of great powers and their spheres of influence. (Chotiner 2022) He is not talking about »justice« and »injustice«, or »right« and »wrong« and »fault« or »innocence« in the abstract moral sense as treated in just war theory or ethical reflection. Mearsheimer is certainly right to claim that we must see this war in the broader narrative of the declining power and influence of Russia on its neighbors and the shift to liberal democratization of eastern Europe. From an ethical perspective, however, there is more to be said about this matter. Indeed, we must see it in all the frameworks of interdependency and interrelationship, and also address the difficult questions of »right« and »wrong«, »just« and »unjust«. We cannot cast off these forceful paradigms of moral thought and fall into the thinking of »might makes right«. Of course, Mearsheimer himself does not con-

done the Russian aggression, even if he thinks the Western powers and the United States have essentially provoked Russia (as he likes to say, »poked the bear in the eye«). Yet great powers must subject themselves to these moral debates that address the rightness and wrongness of actions, otherwise they run the risk of becoming immoral and even more destructive and self-interested than they already are. Mearsheimer would probably say that this is all good and appropriate to discuss the objective rightness or wrongness of these actions, but the only thing that really matters is what the great powers think, and what is in their interest. Yet he does not explain how democracies can operate on this assertion and deal with its clear violation of the principle of universality, which is the beating heart of our self-understanding in freedom and equality under the rule of law.

Mearsheimer is obviously right that this war is interconnected in a larger story. Yet even on this account, the story with which it is connected is not NATO expansion in the limited sense alone, but something much broader and universal. This war was caused by a reactionary autocrat or tyrant who is seeking to reverse the decline of autocracy in eastern Europe, and seeking to stop the spread of democracy. This follows the Chinese suppression of democracy in Hong Kong, which led to the protests in 2019 and 2020 – a rollback of democracy that is continuing. (Wilson 2021) President Putin's assault on Ukraine is another example of tyranny resisting the shift to democratic order. This story does not begin with the post-World War Two political reshaping of the world, and it is much more subversive and far-reaching than Article Five of the Western defensive alliance. The war in Ukraine is another chapter in the larger story about the spread of democracy in the world, and the rejection of this by autocrats who always hold on to power, and who always seek to protect their status in the orders of established non-democratic hierarchies. President Putin knows that if this can happen in Ukraine, and in Belarus, it can happen in Russia. In the short run, mid-run or long run, his own status and the entire system holding him in power (with the suppression of the freedom of the press and the elimination of political opposition) was under threat by the democratization of Ukraine.

In terms of the ethical analysis of this entire question regarding the eastern spread of NATO, it is critical to remember that NATO is a *defensive* alliance; the members are »resolved to unite their efforts for collective defense and for the preservation of peace and security«. (North Atlantic Treaty, 1949) As has been asserted a thousand times, it is an alliance that seeks *peace* with Russia, not war. Indeed, back in

2000, President Putin even expressed interest in joining NATO. Yet after the Ukrainian Revolution of 2004, he »became increasingly suspicious of the west, which he blamed for funding pro-democracy NGOs.« (Rankin 2021) Indeed, the fear of the spread of NATO really seems to be a fear of the spread of democracy – and not only onto the doorstep in Ukraine, but into the Russian house.

The broad expansion of liberal democracies across eastern Europe from the 1990s onward and the associated expansion of NATO may have been an unwanted development from the perspective of some Russians (as it reflects the eastern European fear and rejection of Russia), yet this provides no reasonable justification for this war of aggression. Every nation has borders, and every nation must learn to get along with their neighbors abiding by international law.

⇒ 3 *Who is to blame for this war, besides President Putin?*

Across the Western world today there is a heated debate about the antecedent conditions leading to President Putin's decision to wage war. Did something change in the last few months or years that altered his calculus? Did something »push him« or »encourage« him to make this decision? Both of these terms, »push« or »encourage«, shift some of the weight of responsibility from a singular center into a larger network of interdependent actors. Yet this shifting of responsibility is highly problematic. No matter how this question regarding other causes of influence is answered, it does not take away from the fact that President Putin and the other Russian leaders executing and promoting this war are responsible for it.

It is difficult to know at this point whether certain dynamics or hardening positions created a new situation in which President Putin felt compelled to act. Many theories have been proposed, such as the perspective of impending transition on his part with the end of his term as president in view. Yet if this conflict is understood primarily as a conflict about democracy and its spread into eastern Europe, perhaps the 2020–2021 Belarusian protests are one of the key events in the background, as well as the continual media attention given to Alexei Navalny, a critic of President Putin and political corruption in Russia. Of course, other issue may have been influential as well. Indeed, perhaps the German support for (and American resistance to) Nord Stream II played into this conflict, as it obviously displayed a divided front of the Western powers. There is enough blame to go around, no doubt, for while Emmanuel Macron was asserting that NATO was

»brain dead«, there was a debate among some Republicans in the United States over the last few years about the faithfulness to the NATO allies to the eastern European NATO members. (Barnes and Cooper 2019) Similarly, on the leftwing of the political spectrum across the Western world, NATO is rejected fundamentally. For example, in the United States among the Democratic Socialists of America there is a deep-seated rejection of NATO; they »call for the US to withdraw from NATO and to end the imperialist expansionism that set the stage for this conflict«. (Democratic Socialists of America 2022) While former President Donald Trump did send weapons to Ukraine (after delaying them for political motives), and called repeatedly on the Europeans to increase their defense budgets, and argued that we must »reject threats to sovereignty, from the Ukraine to the South China Sea« (Trump 2017), his insistence on a foreign policy of »independent nations«, rather than multinational alliances, probably also raised questions in Russia about the American commitment to eastern Europe. Yet even if all these issues are added into the equation, the responsibility for this war still lies squarely with President Putin and the Russian military leaders, politicians and diplomats who are jointly executing the war and defending it. Suggesting that the Western powers are responsible for this war would amount to the assertion that they are responsible for the history of Soviet aggression in eastern Europe. In turn, it would suggest that the Western powers should not welcome friends who would like to cooperate with them, but tell them to stay away, and return to the »Russian sphere of influence«, and subject themselves to Russian demands. This is, essentially, what Mearsheimer suggests we should have done. This is impossible, however, for its rejects the agency of the Ukrainians to determine their own history as a sovereign nation with internationally recognized borders. Clearly, this is a war of unprovoked aggression against a neighbor who said repeatedly that they wanted peace.

⇒ 4 *Are the Russian aims achievable?*

Even if the reasons for this war were plausible, and the means of its execution proportionate, would the purported ends be feasible? The original Russian plans to capture Kiev and institute a puppet government and a satellite state seem to have failed for the time being. At the moment, it appears that the Russians are seeking to expand control over the eastern part of the country, and the south. In terms of the final category in Cicero's reflection on war, it is clear that the goals of this aggression as articulated in the declaration of war against

Ukraine are ultimately impossible to achieve given the Ukrainian rejection of Russian claims and unwillingness to subject themselves to them. Today, the vast majority of the young people in Ukraine stand in total support of the resistance. Even if a military victory over parts of the country could be grinded out by the Russians at very high humanitarian costs of both Ukrainian civilians and soldiers and Russian soldiers, there would be no resulting peace or just order between the Ukrainians and Russia. The Ukrainians will never accept the Russian land grab. Furthermore, it is very difficult to imagine the Ukrainians going back to the times before the Maidan Revolution. Clearly, the Ukrainians would not be willing to cooperate in a new political order controlled by Russia. If the Russians take control of the east, however, it is probable that they will force the population to submit to their rule.

In every category of reflection about just war theory, this war fails to make even partial logic or approach even the threshold of legitimacy. It only makes sense as an attempt to take land, to expand Russia, to slow and turn back the democratization of eastern Europe and Ukraine, and ultimately to prevent this mentality-shift from taking hold in Russia. Even in this regard, however, the war could potentially have exactly the opposite consequence than the one intended. The war has and will continue to destabilize the Russian culture, economy, society and political order. These conditions could lead to more instability, violence and chaos, or, if positive forces in Russia prevail, a transformation and democratization of Russia, and ultimately a movement closer to its European neighbors.

⇒ 5 *The need for a unified but cautious NATO*

Virtually everyone agrees that whatever we do in response, we must seek to avoid an escalation or potential nuclear conflict in this war. Indeed, we should be as wise as serpents in all our responses, even while we seek to support the Ukrainians with weapons and humanitarian aid. The Ukrainians have a right to defend their country and their culture from this aggression, and a right to defend themselves from the claims and forceful attempt to rob them of their statehood and subject them to subservience. While Ukraine cannot acquire full membership in NATO at this time, the Western powers are seeking to support the Ukrainians in the defense of their democracy, and thus also defending democracy in the world today. After the invasion, the United Nations condemned Russia's invasion of Ukraine in a general

assembly vote, yet 35 nations (including China) abstained, and five nations voted against the motion. As the recent events at the Security Council of the United Nations have shown, the Council does not seem capable of defending peace, even if it is an important bridge of communication between all parties. A Western alliance (among other alliances and forces in the world) is therefore necessary to ensure peace and freedom in the world, even if it must be very careful not to fall into the military industrial complex, or get drawn into unnecessary wars.

While the Western alliance seeks to support democracy in the world, and seeks to support those democracies that are under threat, this good desire is potentially highly problematic. The lessons of history have taught us again and again that such a supportive posture must always avoid risky military operations and every unjust, unwise and unnecessary war. In the future, as all the Western forces agree, we must seek to avoid another war like the American-led war in Iraq, which was waged on unjustified grounds. Yet the past can paralyze us, and hinder us in our work for good in the world today; it can slow us, or stop us from justified action in the present. In such moments, we are not learning from the past but living in the past. The lesson of the second Iraq War is one that should haunt us all today, but it would be unwise and questionable if we used it as a justification of, or argument for, inaction. It is therefore laudable that the Western powers are supporting Ukraine upon its explicit and repeated request. As the professor of political sciences Andreas Heinemann-Grüder has argued, »If not weapons, what do you think would help against shelling? Anything below that ultimately means leaving Ukraine on its own.« (Roth 2022) This position was recently supported by the institutes for peace studies in Germany, calling it a »logical decision«, one which must be kept »under continuous review to make sure that supplying weapons to Ukraine remains a useful course of action and does not become counterproductive«. (Bonn 2022, 17.)

⇒ 6 *The dilemma of a no-fly-zone and the counterfactuals of resistance*

It is always risky to join in and take sides in any conflict, but in this specific case, and given all the arguments, it seems justified and reasonable that we are giving them the weapons they need to defend themselves. In this, however, we must avoid a situation in which the NATO powers directly attack Russian forces, which would lead to an inevitable escalation of the conflict – and may actually help President

Putin (Nichols 2022). By taking this more reserved approach, neither open war, nor isolationism and non-intervention, we have not »downgraded moral duty in favor of icy self-interest« (Joffe 2022), but chosen to do as much as possible without triggering a series of events that could lead to a nuclear war. This issue is clearly a dilemma, but the greater evil here would be the provocation of a nuclear war. While this seems to be the necessary response now, this basic reasoning and posture of reserve must be chastened, for we do not know what is going to happen as the war drags on. This calculation may need to be revised if Russia expands its assault on civilians, or uses illegal weapons. The Western powers will not stand by and watch the mass murder of civilians without acting to stop it.

In this realm of reflection, the question of pacifism deserves mention. Before this conflict unfolded, Larry May argued that »the risks of killing those who have a right not to be killed is so great during war or armed conflict that soldiers and other combatants should not take the risk of fighting and instead should refuse to fight. They should urge their leaders to seek more peaceful ways to solve the world's problems, even the problems of aggression that have been thought to be characteristic of the Just War tradition.« (May 2015, 68.) Of course, it is already a matter of counter-factual speculation at this point, but the following questions also belong to the moral dilemmas of the war. Would the Ukrainian forces have been able to stand the ground they did without Western weapons? If they did not put up the fight that they did, what would have changed in the Russian strategy? Perhaps more lives would have been saved in the short term if the Ukrainians simply surrendered, but we do not know what this would have meant for other nations in eastern Europe. Perhaps Russia would now be thinking about further targets in the Baltic states, or considering the Suwalki corridor? (Deni 2022) May's argument against war has its own power of persuasion, however, for it points us to a higher ethical realm of deontological thought, a position transcending the cacophony of these consequentialist questions. Certainly, and in this May is right, we must seriously consider the great loss of innocent life in war. At the least, this should strengthen a deep aversion to war in our moral conscience. Yet, at the same time, we must also consider the consequences of non-violent resistance to a war of this category: a conventional war (which many war historians thought was a thing of the past) with the sieging of cities, the careless assault on civilians with the broader aim of a landgrab. If this brutal form of landgrab is not resisted militarily, it could continue or theoretically even increase in scope. The autonomy of other eastern European nations could be called into

question. Other powers across the world, such as China in Taiwan, may try to do the same thing. No one disputes that an incalculable human price is being paid today to stop this, or, at a minimum, to slow it down. These sacrifices are raising the overall costs of such a decision on the part of the aggressor, and, with this, reminding everyone in the world today that this kind of violation of international law and internationally recognized borders will be resisted. In cases such as these, violent resistance may not be necessary in the sense of a moral obligation, but it is certainly justifiable, and this even if the outcome is not entirely clear. Even now, it is clear that the Ukrainian forces with the support of the Western powers have greatly slowed down the Russian advance. While the tidy arguments for just war theory are no longer convincing in the sense of a complete exculpation of our divided conscience in face of these kinds of dilemmas, the approach of pacifism in the sense that May proposes is too otherworldly and optimistic. It fails to grasp, and work up from the real situation in which we live »down on earth«.

As this conflict unfolds, we do not know what will happen. Yet we can hope that the Ukrainians will be victorious, that they will regain their country and their democracy, and live in peace with the Russians at some time in the future after all the reparations have been paid and all the reconciliation work has been done. In this, we can hope that their democratic order will be a freedom loving form that tolerates minorities, respects the rule of law and the division of powers, the principle of free political opposition, and ensures the freedom of the press and human rights. Democracy cannot be spread through military force. It must be spread with a culture and civil society to support it *from below*. When the democratic culture and civil society has emerged, and the democratic order has been established, however, there are good reasons to defend it, if feasible.

⇒ 7 *The contradiction of universalism*

The war in Ukraine – a war in Europe – has captured far more Western sympathy (Bayoumi 2022), and clearly received far more press coverage than the wars in Yemen or Ethiopia. It is troubling to recognize this fact, and realize how our expressions of compassion and outreach are often limited to certain groups, and not universal. Yet the war in Ukraine is also different in its own way. The war is a shocking event in part because it is in Europe. The war is closely related to the story mentioned above about the expansion of Western democracy in

eastern Europe since the 1990s. The Russian invasion is a massive regression, indeed, a backlash against that great development since the fall of the Berlin Wall, which was, for many, a story of hope, progress and reconciliation. All of this does not minimize the discrimination against refugees from the Middle East or Africa. Indeed, we as Westerners, as the inheritors and trustees of great wealth and resources, must do more to help all the people of the world who are suffering because of war.

⇒ 8 *Energy embargo?*

The Western support of the Ukrainians is wisely seeking not to establish a democracy with military support, but to protect an existing democracy. Of course, the humanitarian obligation to support human rights and protect civilian populations from military aggression are also motivational elements behind the Western support of Ukraine. More can be done on this measure as well, it seems, for the Russian attack, and especially the attack on the civilians, warrants far more than mere words of correction. A justified response is seen in the sanctions that have already been implemented, but even these are limited. Mass sums of wealth are flowing into Russia on a daily basis to pay for gas, oil and coal in Europe. Reducing and ultimately stopping this flow of financial support would entail a sacrifice in Europe, but it would also show solidarity with those mourning the civilian casualties, including the innocent children, and would hopefully encourage those in the Kremlin to rethink this war. In light of the recent war crimes in Bucha, it is also an entirely justified measure. It is probably something that can only be achieved if there is a concerted effort on part of the Western nations and the international community. The massive expansion of renewable and truly green energy sources is clearly the long-term answer to this energy crisis in which we are living. A return to nuclear power plants in the sense of long-term usage is clearly unwise, for they are very dangerous, and create dangerous radioactive waste that countless coming generations will have to deal with.

⇒ 9 *A realist appraisal of this war, and our common humanity*

The reality of this brutal war should not surprise us, nor should the failure of our modern governments to prevent it. A realist view of human nature in the sense developed by Reinhold Niebuhr, an under-

standing of national self-interest, an awareness of the propensity of humans to abuse power, and with this the lessons of history regarding the struggle for democracy in a dangerous world (of not only non-democratic powers, but also anti-democratic powers) are all being confirmed in this »war of choice«. The older tradition of soviet brutality is also sadly being reborn in the war crimes in Ukraine. Yet the deep rejection of democracy and international law in this war is not something that is supported by all Russian people, even if Russian soldiers are carrying it out. Some polls show that many Russians actually support the war – yet what do they know about it, and what are they told about it? Russia is not a liberal democracy, and they have neither freedom of the press nor freedom of speech. These polls reflect a culture and society deeply influenced by a form of propaganda typical of all authoritarian states. The deputy editor-in-chief of the popular independent Russian newspaper *Novaya Gazeta*, Kirill Martynov, who fled Russia, claims that »most Russians know that state propaganda lies«. He claims that »The biggest problem from my point of view is not that most people in Russia do not want to receive or read independent foreign news. It's that most people don't think they need it. They are happy with what they are getting in Russia, which confirms a national narrative.« (Peitz 2022) In spite of this, there are many brave Russians who are resisting the war and risking jail time for this resistance. Of course, the decision to wage this war was made by a small group of autocratic leaders without democratic approval. There is no doubt that the Ukrainians are suffering the most, and immeasurably more than anyone else in this war. Yet the Russian people will also suffer because of this war in many ways, and not only economically. Many Russian parents have lost their sons in this horrific war.

Especially for those who are immediately involved in war as combatants, and especially when they are involved in illegal attacks on civilians, the humanity of the adversary and victim can easily be forgotten. As we know from the history of war and especially war crimes, soldiers often succumb to the numbing effect of evil which they themselves enact and embrace, and then fall ever deeper into the abyss of immorality. They are entirely responsible and active in their injustice, but they also lose themselves and the foundations of their own moral consciences in the process of violence against innocence. Forgetting the humanity of the adversary or the innocent civilians, they blur the distinctions of morality and drive forward a brutal spiral of violence which will return to them.

It is difficult to know how reconciliation can be achieved after this war between Russians and Ukrainians. Only these parties can understand it fully and realize it after the war. Of course, it can be presumed that a restoration of the internationally recognized borders and a total admission of guilt on the part of the Russians for this aggression will be necessary preconditions for any work of reconciliation. Along with this, payments of reparation to Ukraine for the unprovoked destruction will be necessary. Of course, these steps toward reconciliation would only be imaginable if the Russian government were seriously interested in them. At the moment, there is no evidence to suggest that they are interested in peace or reconciliation.

While the support of the Ukrainians in and after this war is, in my view, a moral imperative, and one not least realized in the protection and support of the Ukrainian refugees, at some point we must also consider the future between the Western powers and Russia. As we continue to implement sanctions against Russia, it is not yet clear how this relationship could be normalized in the near term. It is difficult to imagine how normal relations could be established without a declaration of responsibility and guilt on the part of Russia for this injustice, even if this is highly unlikely to happen. Given the fact that this seems, at the moment, improbable, a typical response toward Russia in the Western world will be a deep emotional distance, resentment and in some cases even hate. Ethically, »hating the enemy« is a problem in its own right, for hate can consume anyone, and make us all incapable of exercising our rational and moral faculties. Hate is one of the negative counter-impulses to evil. The evil of this war, the evil of the war crimes in Bucha and Mariupol for example, must be responded to with firm ethical evaluation and condemnations of the human actors causing and embodying this evil, it should call us to act, to support those who are fighting to stop it, to bring those to justice who have caused it, and to support those who are victims of it. Hating the Russian people, Russian culture or tradition does nothing in this, and will help nobody, even if hating the evil crimes in this war is a necessary moral response.

More now than ever, we must remember the great ideals of universal human flourishing in justice and peace under the rule of law. The old Kantian hope of a »perpetual peace« in a world federation of states is far out of reach, but the underlying impulses of this vision should not be forgotten. Indeed, they remind us of how this world would look without war, and help us to hold on to our most cherished ideals in light of the contradictions of war. We may never have this perpetual

peace on earth, but we should do our part to bring the political orders of human beings a little closer to the justice and peace of our highest ideals.

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